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you would have to have just total lack of confidence in the entire system if that could happen. It could not happen.

SENATOR DWORAK: Are you satisfied that the special assessment will have to be paid as by the mandates of this act, or law?

SENATOR SCHMIT: I am completely satisfied. I was satisfied with the previous plan, and I was satisfied with my amendment to your amendment that requires the thing to be paid within 30 days. I accepted virtually everything that you wanted. I don't see why there would be any doubt about it. Assessment has got to be paid within 30 days.

SENATOR DWORAK: Thank you Senator Schmit.

PRESIDENT: Senator Chambers, would you care to close debate on the matter?

SENATOR CHAMBERS: Senator Luedtke is gone, I would like to ask....Senator Cavanaugh would you answer a question. I won't hold you very long. Senator Cavanaugh, the amendment that I am proposing says that in the event that this fund would not pay off as it should, a judgment that a citizen has, then the medical care provider would be subject to the laws of execution of judgment just like any other citizen.

SENATOR CAVANAUGH: Yes.

SENATOR CHAMBERS: Now it has been argued that there is no possible way that that fund could not pay off, but there have been depressions, collapses of entire systems before. If this system that they have collapses and if the surcharge that they were going to impose were not paid, and money was not in the fund to pay a judgment, how would a citizen under this bill obtain satisfaction of the judgment without this amendment.

SENATOR CAVANAUGH: I think that they wouldn't.

SENATOR CHAMBERS: I did not hear you.

SENATOR CAVANAUGH: I think that they would not receive satisfaction of their judgment because the bill, creates a special cause of action. When you do that you are limited to the powers annunciated in the statute. The statute would say.... does say that you can only recover against this fund \$100,000 against the physician and \$400,000 in excess, if there is no money in the fund you have no other recourse under the bill.

SENATOR CHAMBERS: Thank you. Members of the Legislature. I wanted this into the record, because I want you to understand what you are rejecting. If the fund is solvent then this provision will never come into operation. Senator DeCamp as a lawyer says that he doesn't know the implications of a provision like this. He does know. He knows what the law is with reference to execution. He knows what that is. If you do not allow execution of a judgment against a health care provider who is guilty you are denying the citizen recourse where doctors are concerned that he has everywhere else. If a citizen were run over by a doctor in a car, and